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Senate Workforce & Higher Education Committee
Substitute House Bill 509-Occupational Regulations
Opponent Testimony-November 30th 2022

Chair Johnson, Vice-Chair Cirino, Ranking Member Martin & members of the Senate Workforce & Higher Education Committee. My name is Dr. Aarlan Aceto, and I am a licensed practicing Optometrist and a full-time program coordinator of an Opticianry program in Connecticut. I also currently serve as the President of the National Federation of Opticianry Schools (NFOS), and a Board Member of the Opticians Association of America (OAA). I have a deep drive and passion about the importance of Opticianry as a vital cog in the delivery of health care to our communities, and because of that I have transitioned from a full-time practicing Doctor of Optometry to teaching opticianry at a community college and promoting and advancing the profession of Opticianry on a national and state by state basis.

I am writing to you regarding House Bill 509, and I respectfully request that you reject any attempt that jeopardizes or weakens the protections put in place in the eye care arena, specifically those regarding Opticians.

When practicing in any state, patients who receive their care from a licensed Optometrist or Ophthalmologist the care provided is from a properly educated, trained, vetted and licensed individual. The same should be true of those who are responsible for interpreting the eyeglass and contact lens prescriptions and specific requirements for ophthalmic devices that are written by those trained professionals. Whether it is proper analysis and interpretation of said prescriptions, proper selection of appropriate materials, lens designs, materials and coatings, ability to properly educate the patients about the eyewear function and proper use, the ability to accurately verify that all products meet the applicable regulatory requirements (ANSI Z80.1-2020, ANSI Z87.1-2020, OSHA requirements when applicable, ASTM requirements for Sports eyewear and many more), and the ability to problem solve and help patients when they have concerns or problems, it is imperative that there is a regulatory mechanism that requires that those working with my patients have the requisite knowledge, training and expertise to ensure the safest and best outcomes.

Speaking as a practicing licensed Doctor of Optometry, I can say with certainty in my own professional experience has convinced me without any doubt as to the importance of properly trained, educated and

licensed opticians. I have practiced as a Doctor of Optometry in states with high levels of education, training and licensure (CT and MA) and also practiced in states without these safeguards in effect (IL).

Practicing as a Doctor of Optometry in a state that didn't require licensure for opticians, I was stunned to see a profound increase in the number of patients return to my exam chair on a daily basis that I simply didn't see in the licensed states. For the simplest of issues, which included poorly fit or measured specialty lenses, like Progressive addition lenses (no-line "bifocals"), incorrect measurements, lack of understanding on how the lens designs were intended to be used, inability to verify the finished product when it came from the fabrication laboratory when it was made incorrectly, and many other relatively basic issues were referred back to me to problem solve. These were issues that cost time, money and aggravation to the ultimate consumer with no recourse. These are areas where well trained, well-educated and certified opticians help in the effective and efficient delivery of their eyecare needs and benefit the ultimate consumer and the other interested parties in the healthcare arena. In states that required certification, licensure, and mandatory continuing education to keep up with the rapidly evolving profession, there is a tangible benefit to the community and they provide a valuable and necessary service to the consumers, patients and to other healthcare professions.

I would argue that the above expectation of competency from our healthcare providers in all areas of care is a given...If given the choice between a trained, educated, certified health care professional, versus an untrained, uncertified, unqualified random individual, I would submit that the vast majority of patients would strongly prefer the former. This is true, whether they are doctors, nurses, pharmacists, occupational therapists, physical therapists, or in our case, opticians. And as I've outlined above, in my experience, there is a definite advantage in healthcare delivery to having qualified, competent and capable professions in our eyecare arena.

There are, however, even more important reasons, to ensure that regulation and licensure of opticianry as a healthcare profession is maintained. This is because one of the State of Ohio's ultimate responsibility is the protection of the welfare, safety and health of its citizens, and licensing of all health care professions, including opticians is a necessary component of these goals.

Pharmacists, Chiropractors, Chemical Dependency, Physicians (including MDs and Dos) Dentists, Nurses, Optometrists, OTs, PTs, ATs, Speech and hearing Professionals, all must deal with medical and health related items on a daily basis, are entrusted to private personal health information (insurance info, dates of birth, social security numbers, health conditions, family history, and many, many more), are bound by countless national and state mandated health related laws and regulations, and opticianry is absolutely no different. Many Vision plans currently require that the patient share their social security number as a method to verify eligibility. All vision plans and all health insurance plans (many that allow opticians as medical providers) require DOBs, insurance numbers, and in the course of practice, it is regularly important for opticians to discuss health related issues, including diabetic status, other current systemic health and eye conditions that affect eyesight and vision, including high blood pressure, cataracts, cardiovascular concerns, visual field loss, and countless others. Opticians must be familiar and comply with countless Federal and State regulations and laws, including Contact Lens prescription law release laws (FCLCA passed in 2004 and clarified in 2020), the FTC Eyeglass Prescription release regulations (FTC Ophthalmic Practice Rule), HIPAA (Health Insurance Portability and Accountability Act

of 1996), adherence to OSHA regulations with safety eyewear, compliance with American National Standards for Eyewear accuracy, and countless others. Opticians deal with this information and carry this burden of responsibility on a daily basis all over the state. It cannot be reasonably expected that a non-licensed, untrained, and unqualified individuals would be remotely familiar with any of the above. Licensure by the state is used as a vehicle for monitoring that ALL health care professionals adhere to the laws and statutes that are applicable when dealing with the public, and by having a mechanism to enforce compliance.

Even temporary rules and regulations often surface, such as our recent experiences with the COVID-19 pandemic, and its effect on our practices, patient care, and how clinics are administered, operated and conducted. Opticians and other eyecare professionals were at the forefront of adapting, evolving and instituting best practices in their clinics to keep our patients as safe as possible, with social distancing, improved disinfection techniques of measuring devices and eyewear between patients, mask use (when appropriate) and many other strategies that were employed was vastly improved by having qualified, educated, licensed and responsible health care providers/opticians. It seems unreasonable to expect that this scenario would have been as effective in our corner of the healthcare arena with untrained unqualified individuals without the requisite medical and eyecare training and competence that is required by mandatory licensing.

One last important, and potentially the most critical, example of how the licensing and monitoring of healthcare professionals is of paramount importance for the protection of the health, safety and wellbeing of our citizens comes from none other than my home state of CT. In this case, an optician in Middletown CT in September 2012 was accused of inappropriately touching and interacting with an individual in June 2011 in their office and was charged with third degree sexual assault. As a result of this profoundly unfortunate situation, this individual was stripped of their state license to practice opticianry in the state of CT by the Board of Examiners for Opticianry in the state in December 2012. This ensures that this individual cannot practice as an optician in the state. As you can imagine, opticians deal with the pediatric population, the geriatric population, and other special needs populations, and it is imperative that these high-risk groups are afforded the proper levels of vetting and monitoring of the health care professionals that work with them. Without the enforcement of the optician licensure laws and regulations in CT, there would be fewer means of enforcing that this individual cannot have contact with patients as a health professional. There is a real risk that without the registration, licensure, monitoring and enforcement of healthcare professions by a state, including opticianry, that these types of individuals would be more likely to be able to interact with the public, including the most vulnerable of our community. Looking through the various licensing boards of Ohio, it appears that nurses, doctors and many other health professionals have had their licenses suspended or revoked for related issues and other public safety reasons. Keeping state oversight of this healthcare related profession, as in other patient facing health professionals, is an absolute must. As a practicing Doctor of Optometry, I would submit that if this was the ONLY reason to keep licensure for opticianry, to protect the public safety, health and welfare of my patients, it would be sufficient to avoid deregulation of the profession in the state of Ohio.

In conclusion, I hope I have shared enough of my perspective as a practicing, licensed Doctor of Optometry, about the clear problems of deregulating a profession, including the importance of having

qualified competent professionals, ensuring compliance with the plethora of Federal and State requirements dealing with healthcare administration, and most importantly, protecting the health, safety and wellbeing of our communities. It is without question, in my opinion, that having a non-licensed “free for all” in opticianry would be counter to the public interest in the Buckeye State.

Thank you for your consideration of my testimony. I look forward to any correspondence, questions or clarifications regarding this information and appreciate your time and effort in your important work in this committee.

Sincerely,
Dr. Aarlan Aceto, O.D.